



# New Jersey Community Development Block Grant – Disaster Recovery (CDBG-DR) Flood Hazard Risk Reduction and Resiliency Grant Program Environmental and Historic Preservation Review Protocol



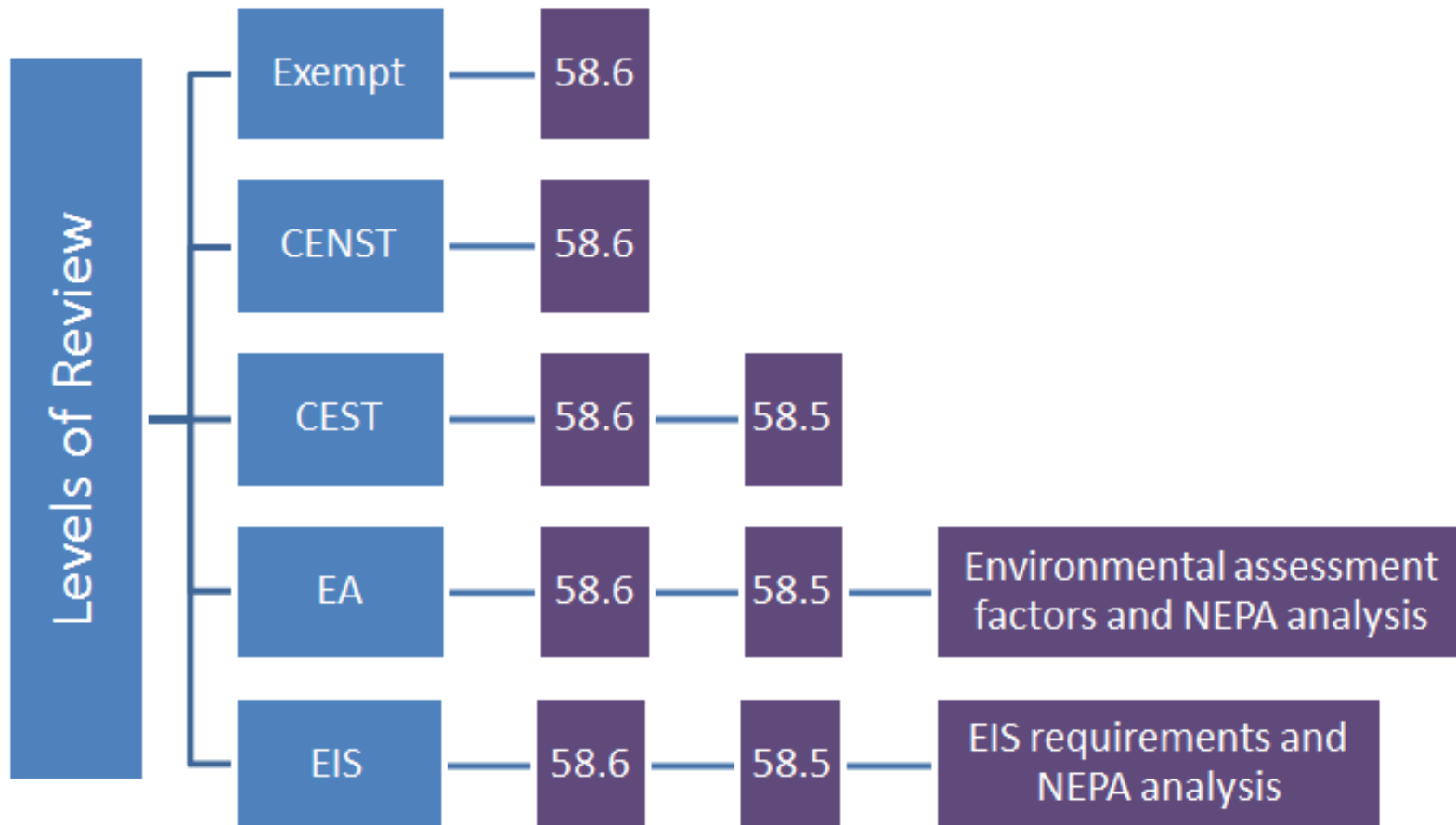
# Environmental and Historic Preservation Review Requirements

- CDBG-DR federal grant funding requires compliance with NEPA, HUD 24 CFR Part 58; and 36 CFR art 800, Section 106 of the National Historic Preservation Act.
- All HUD funded projects are required to undergo an environmental review to evaluate environmental impacts. The analysis includes both how the project can affect the environment and how the environment can affect the project, site, and end users.
- Documentation of the environmental review should be maintained in the environmental review record. This record contains the description of all activities that are part of the project and an evaluation of the effects of the project on the human environment and vice versa. This record should be made available for public review.
- **Environmental reviews for this program will be performed by a consultant retained by the application with NJDEP in a participatory role.**

# Levels of Review



Part 58 reviews may be subject to the requirements of 24 CFR 58.6, 24 CFR 58.5,



# Level of Review Determination



## Environmental Assessment (EA) –

(Most likely for projects being submitted for Flood Hazard Program)

- An EA must include a description of the proposed project and the completion of statutory and environmental assessment checklists:
- A sample environmental assessment checklist may assign one of the following impact categories:
  - "no impact anticipated,"
  - "potentially beneficial,"
  - "potentially adverse-requires documentation only,"
  - "potentially adverse-requires more study,"
  - "needs mitigation," or
  - "requires project modification."
- The impact categories consider the degree of land development; noise; air quality; environmental design and historic values; socioeconomic; and community facilities and services

# Level of Review Determination



## Environmental Assessment (EA) – Required Areas of Review

**24 CFR 58.6** lists the following requirements for compliance

- Airport clear zones
- Coastal barrier resources
- Flood insurance

**24 CFR 58.5** includes the following requirements for compliance

- Air quality
- Coastal zone management
- Endangered species
- Environmental justice
- Explosive and flammable facilities
- Farmlands protection
- Floodplain management
- Historic preservation
- Noise abatement and control
- Site contamination
- Sole source aquifers

# Level of Review Determination



## Environmental Assessment (EA) – Potential Outcomes

- "Finding of No Significant Impact" (**FONSI**) – If a FONSI is the outcome, the public must be given an opportunity to review the decision before project funds can be released.
- "Finding of Significant Impact" (**FOSI**) – Level of review must be elevated to a Environmental Impact Statement (EIS)

# Level of Review Determination



- **Environmental Impact Statement (EIS)** —  
The purpose of an EIS is to assess "any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration, and the alternatives to such action or group of actions." The regulations describing the components of an EIS can be found in § 58, subparts F and G, as well as in 40 CFR part 1502.
- If you determine an EIS is required the time required to complete the process will be too protracted to allow participation.

# Environmental and Historic Preservation Review Structure

- **Tasks to be Performed by Applicant's Consultant:**
  - Perform environmental review.
  - Determine level of environmental review and submit to DEP's Program Manager for confirmation.
  - Identify federal entity consultation requirements to DEP within 10 days of the determination of environmental review; include timeline of submittal of consultation letters.
  - Draft consultation letters to federal agencies for signature of Director, Sandy Recovery EHP Director.
  - Forward consultation letters or emails to consulting agency.
  - Complete 5-step and 8-step Floodplain and Wetlands Analysis as applicable.



# Environmental and Historic Preservation Review Structure

- **Tasks to be Performed by [NJDEP](#):**
  - Coordinate environmental review and permit requirements through a project coordination meeting within 2 weeks of conditional grant award. Meeting includes Office of Permit Coordination, Sandy EHP, applicant and applicant's consultant.
  - Anticipate providing the consultant with DEP's GIS screening tools and CEST and EA guidance document.
  - Confirm consultant's determination of level of environmental review
  - Review and execute consultation letters or emails drafted by consultant for consultant processing. Drafts to be sent via email.
  - Signing off on behalf of the RE on the consultation request to federal agencies including but not limited to USF&WS, State Historic Preservation Office, and EPA on behalf of the responsible entity
  - Perform a quality assurance review by DEP's Program Manager and DEP QA team.
  - Submit the completed ERR to DCA for signature of the RE.
  - Facilitate the transfer of publication affidavits to DCA.
  - Received Authorization to Use Grant Funds from DCA and provide to grantee's consultant and grantor to finalize the ERR.
  - Publish Notice of Intent to Release Funds and Finding of No Significant Impact in English and Spanish.
  - Respond to public comments (as determined by the grantee).
  - Amend environmental review if project scope is amended in response to comments

# Any questions?

